

agent of the Bureau or society, the inspection or examination, in the United States or in a foreign country, of a vessel documented or to be documented as a vessel of the United States. The Bureau, society, or agent may issue the certificate of inspection required by this part and other certificates essential to documentation.” Former subsec. (b) redesignated (a).

Subsec. (c). Pub. L. 104-324, §607(a)(2), redesignated subsec. (c) as (b).

Subsec. (d). Pub. L. 104-324, §607(a)(1), struck out subsec. (d) which read as follows: “The Secretary also may make an agreement with or use the Bureau or a similar United States classification society, or an agent of the Bureau or society, for reviewing and approving plans required for issuing a certificate of inspection.”

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-293, title IV, §413(b), Aug. 9, 2004, 118 Stat. 1046, provided that: “Section 3316(c)(1) of title 46, United States Code, shall apply with respect to operation as a classification society on or after January 1, 2005.”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 3317. Fees

(a) The Secretary may prescribe by regulation fees for inspecting or examining a small passenger vessel or a sailing school vessel.

(b) When an inspection or examination under this part of a documented vessel or a foreign vessel is conducted at a foreign port or place at the request of the owner or managing operator of the vessel, the owner or operator shall reimburse the Secretary for the travel and subsistence expenses incurred by the personnel assigned to perform the inspection or examination. Amounts received as reimbursement for these expenses shall be credited to the appropriation for operating expenses of the Coast Guard.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 517; Pub. L. 102-587, title V, §5211, Nov. 4, 1992, 106 Stat. 5076.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
3317 .....	46:390a(b) 46:382b-1

Section 3317 provides the regulatory authority for prescribing fees for the inspection of small passenger vessels and sailing school vessels. Although section 2110 generally prohibits fees of this nature, this provision is consistent with the exception that permits specific statutory authorization for fee collection. Subsection (b) requires the reimbursement of expenses for the conduct of an inspection or examination at a foreign port or place when done there for the convenience of the owner or operator of the vessel.

AMENDMENTS

1992—Subsec. (b). Pub. L. 102-587 substituted “under this part of a documented vessel or a foreign vessel” for “under this chapter of a documented vessel”.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities

and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 3318. Penalties

(a) Except as otherwise provided in this part, the owner, charterer, managing operator, agent, master, or individual in charge of a vessel operated in violation of this part or a regulation prescribed under this part, and a person violating a regulation that applies to a small passenger vessel, freight vessel of less than 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, or sailing school vessel, are liable to the United States Government for a civil penalty of not more than \$5,000. The vessel also is liable in rem for the penalty.

(b)(1) A person that knowingly manufactures, sells, offers for sale, or possesses with intent to sell, any equipment subject to this part, and the equipment is so defective as to be insufficient to accomplish the purpose for which it is intended, commits a class D felony.

(2) A person commits a class D felony if the person—

(A) alters or services lifesaving, fire safety, or any other equipment subject to this part for compensation; and

(B) by that alteration or servicing, intentionally renders that equipment unsafe and unfit for the purpose for which it is intended.

(c) A person that employs a means or device whereby a boiler may be subjected to a pressure greater than allowed by the terms of the vessel’s certificate of inspection commits a class D felony.

(d) A person that deranges or hinders the operation of any machinery or device employed on a vessel to denote the state of steam or water in any boiler or to give warning of approaching danger, or permits the water level of any boiler when in operation of a vessel to fall below its prescribed low-water line, commits a class D felony.

(e) A person that alters, defaces, obliterates, removes, or destroys any plans or specifications required by and approved under a regulation prescribed under section 3306 of this title, with intent to deceive or impede any official of the United States in carrying out that official’s duties, commits a class A misdemeanor.

(f) A person commits a class D felony if the person—

(1) forges or counterfeits with intent to make it appear genuine any mark or stamp prescribed for material to be tested and approved under section 3306 of this title or a regulation prescribed under section 3306;

(2) knowingly uses, affixes, or causes to be used or affixed, any such forged or counterfeited mark or stamp to or on material of any description;

(3) with fraudulent intent, possesses any such mark, stamp, or other device knowing it to be forged or counterfeited; or

(4) with fraudulent intent, marks or causes to be marked with the trademark or name of another, material required to be tested and approved under section 3306 of this title or a regulation prescribed under section 3306.

(g) A person is liable to the Government for a civil penalty of not more than \$5,000, if the person—

(1) interferes with the inspection of a nautical school vessel;

(2) violates a regulation prescribed for a nautical school vessel;

(3) is an owner of a nautical school vessel operated in violation of this part; or

(4) is an officer or member of the board of directors of a school, organization, association, partnership, or corporation owning a nautical school vessel operated in violation of a regulation prescribed for a nautical school vessel.

(h) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel that fails to give the notice required by section 3304(b) of this title is liable to the Government for a civil penalty of not more than \$1,000. The vessel also is liable in rem for the penalty.

(i) A person violating section 3309(c) of this title is liable to the Government for a civil penalty of not more than \$1,000.

(j)(1) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel required to be inspected under this chapter operating the vessel without the certificate of inspection is liable to the Government for a civil penalty of not more than \$10,000 for each day during which the violation occurs, except when the violation involves operation of a vessel of less than 1,600 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, the penalty is not more than \$2,000 for each day during which the violation occurs. The vessel also is liable in rem for the penalty.

(2) A person is not liable for a penalty under this subsection if—

(A) the owner, charterer, managing operator, agent, master, or individual in charge of the vessel has notified the Secretary under section 3309(c) of this title;

(B) the owner, charterer, managing operator, agent, master, or individual in charge of the vessel has complied with all other directions and requirements for obtaining an inspection under this part; and

(C) the Secretary believes that unforeseen circumstances exist so that it is not feasible to conduct a scheduled inspection before the expiration of the certificate of inspection.

(k) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel failing to comply with a direction issued by the Secretary under section 3311(b) of this title is liable to the Government for a civil penalty of not more than \$10,000 for each day during which the violation occurs. The vessel also is liable in rem for the penalty.

(l) A person committing an act described by subsections (b)–(f) of this section is liable to the Government for a civil penalty of not more than \$5,000. If the violation involves the operation of

a vessel, the vessel also is liable in rem for the penalty.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 517; Pub. L. 98–498, title II, § 211(c), Oct. 19, 1984, 98 Stat. 2304; Pub. L. 99–307, § 1(6), May 19, 1986, 100 Stat. 445; Pub. L. 101–380, title IV, § 4302(b), Aug. 18, 1990, 104 Stat. 538; Pub. L. 104–324, title III, § 310, title VII, § 713, Oct. 19, 1996, 110 Stat. 3919, 3936; Pub. L. 109–304, § 15(13), Oct. 6, 2006, 120 Stat. 1703.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
3318 .....	46:369(e)
	46:390d
	46:398
	46:403
	46:407
	46:408
	46:410
	46:413
	46:436
	46:481(d)
	46:1295f(d)(2), (3)

Section 3318 provides for a number of specific civil and criminal penalties.

AMENDMENTS

2006—Subsec. (f). Pub. L. 109–304 struck out period after “felony”.

1996—Subsec. (a). Pub. L. 104–324, § 713(1), inserted “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “100 gross tons”.

Subsec. (b)(1). Pub. L. 104–324, § 310, designated existing provisions as par. (1) and added par. (2).

Subsec. (j)(1). Pub. L. 104–324, § 713(2), inserted “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “1,600 gross tons”.

1990—Subsec. (b). Pub. L. 101–380, § 4302(b)(1), substituted “commits a class D felony” for “shall be fined not more than \$10,000, imprisoned for not more than 5 years, or both”.

Subsec. (c). Pub. L. 101–380, § 4302(b)(2), substituted “commits a class D felony” for “shall be fined not more than \$5,000, imprisoned for not more than 5 years, or both”.

Subsec. (d). Pub. L. 101–380, § 4302(b)(3), substituted “commits a class D felony” for “shall be fined not more than \$5,000, imprisoned for not more than 5 years, or both”.

Subsec. (e). Pub. L. 101–380, § 4302(b)(4), substituted “commits a class A misdemeanor” for “shall be fined not more than \$10,000, imprisoned for not more than 2 years, or both”.

Subsec. (f). Pub. L. 101–380, § 4302(b)(5), substituted “commits a class D felony.” for “shall be fined not less than \$1,000 but not more than \$10,000, and imprisoned for not less than 2 years but not more than 5 years.”.

1986—Subsec. (f). Pub. L. 99–307 in provision preceding par. (1) substituted “than” for “then” in two places.

1984—Subsec. (a). Pub. L. 98–498, § 211(c)(1), substituted “Except as otherwise provided in this part, the” for “The” and “not more than \$5,000” for “\$1,000, except that when the violation involves operation of a barge, the penalty is \$500”.

Subsec. (c). Pub. L. 98–498, § 211(c)(2), substituted “\$5,000” for “\$2,000”.

Subsec. (d). Pub. L. 98–498, § 211(c)(3), substituted “\$5,000” for “\$2,000”.

Subsec. (e). Pub. L. 98–498, § 211(c)(4), substituted “\$10,000” for “\$2,000”.

Subsec. (f). Pub. L. 98–498, § 211(c)(5), substituted “\$10,000” for “\$5,000”.

Subsec. (g). Pub. L. 98–498, § 211(c)(6), substituted “is liable to the Government for a civil penalty of not

more than \$5,000” for “shall be fined not more than \$10,000, imprisoned for not more than one year, or both”.

Subsec. (h). Pub. L. 98-498, §211(c)(7), substituted “Government for a civil penalty of not more than \$1,000.” for “United States Government for a civil penalty of not more than \$500.”

Subsecs. (i) to (l). Pub. L. 98-498, §211(c)(8), added subsecs. (i) to (l).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

CHAPTER 35—CARRIAGE OF PASSENGERS

- Sec.
- 3501. Number of passengers.
- 3502. List or count of passengers.
- 3503. Fire-retardant materials.
- 3504. Notification to passengers.
- 3505. Prevention of departure.
- 3506. Copies of laws.
- 3507. Passenger vessel security and safety requirements<sup>1</sup>
- 3508. Crime scene preservation training for passenger vessel crewmembers<sup>1</sup>

HISTORICAL AND REVISION NOTES

Chapter 35 consolidates the laws that have specific application to the carriage of passengers. They provide special provisions for listing and counting the number of passengers on board a vessel, for notifying the general public of the safety standards that are applicable, and for related control measures.

AMENDMENTS

2010—Pub. L. 111-207, §3(b), July 27, 2010, 124 Stat. 2251, added items 3507 and 3508.

§ 3501. Number of passengers

(a) Each certificate of inspection issued to a vessel carrying passengers (except a ferry) shall include a statement on the number of passengers that the vessel is permitted to carry.

(b) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel is liable to a person suing them for carrying more passengers than the number of passengers permitted by the certificate of inspection in an amount equal to—

- (1) passage money; and
- (2) \$100 for each passenger in excess of the number of passengers permitted.

(c) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel that knowingly carries more passengers than the number of passengers permitted by the certificate of inspection also shall be fined not more than \$100, imprisoned for not more than 30 days, or both.

(d) The vessel also is liable in rem for a penalty under this section.

(e) An offshore supply vessel may not carry passengers except in an emergency.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 519; Pub. L. 99-36, §1(a)(2), May 15, 1985, 99 Stat. 67.)

<sup>1</sup> So in original. Probably should be followed by a period.

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
3501 .....	46:404-1 46:451 46:452 46:462

Section 3501 requires that a vessel carrying passengers, including a passenger vessel as well as a small passenger vessel (except a ferry), shall have on the certificate of inspection a statement as to the number of passengers the vessel is permitted to carry. It also provides penalties for carrying passengers in excess of the number permitted.

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-36, §1(a)(2)(A), struck out the comma after “(except a ferry)”.

Subsec. (c). Pub. L. 99-36, §1(a)(2)(B), substituted “carries more passengers than the number of passengers permitted by the certificate of inspection” for “violates subsection (b) of this section”.

EFFECTIVE DATE

Chapter effective Apr. 15, 1984, see section 2(g)(1) of Pub. L. 98-89, set out as a note under section 3101 of this title.

§ 3502. List or count of passengers

(a) The owner, charterer, managing operator, master, or individual in charge of the following categories of vessels carrying passengers shall keep a correct list of passengers received and delivered from day to day:

(1) vessels arriving from foreign ports (except at United States Great Lakes ports from Canadian Great Lakes ports).

(2) seagoing vessels in the coastwise trade.

(3) passenger vessels making voyages of more than 300 miles on the Great Lakes except from a Canadian to a United States port.

(b) The master of a vessel carrying passengers (except a vessel listed in subsection (a) of this section) shall keep a correct count of all passengers received and delivered.

(c) Lists and counts required under this section shall be open to the inspection of designated officials of the Coast Guard and the Customs Service at all times. The total number of passengers shall be provided to the Coast Guard when requested.

(d) This section applies to a foreign vessel arriving at a United States port.

(e) The owner, charterer, managing operator, master, or individual in charge of a passenger vessel failing to make a list or count of passengers as required by this section is liable to the United States Government for a civil penalty of \$100. The vessel also is liable in rem for the penalty.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 519.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
3502 .....	46:460 46:460a 46:461 46:462

Section 3502 is related to section 3501 and requires the listing or counting of passengers on certain vessels. This requirement applies to large as well as small passenger vessels when operating on the types of voyages